UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,075	09/10/2003	Ryan W. Cuddy	112300-1679	6174

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EXAMINER
MCCULLOCH JR, WILLIAM H

ART UNIT	PAPER NUMBER
3714	

NOTIFICATION DATE	DELIVERY MODE
10/28/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENTS@BELLBOYD.COM

	Application No.	Applicant(s)
Office Action Summary	10/660,075	CUDDY ET AL.
	Examiner	Art Unit	
	William H. McCulloch	3714	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>30 July 2008</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-29,31-40 and 42-70</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-29,31-40 and 42-70</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

7/30/2008 has been entered. Claims 1-29, 31-40, and 42-70 are pending in the

application, with claims 1-6, 9-15, 21-25, 29, 31-34, 38-40, 42-45, 51-52, 55-56, 59-60,

63-64, and 67-68 currently amended.

Oath/Declaration

2.   A corrected declaration under 37 CFR 1.63 has been received on 7/30/2008.

The declaration is accepted and the objection to the previous declaration is hereby

withdrawn.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-29, 31-40, 42-52, 55-56, 59-60, 63-64, and 67-68 are rejected under 35

U.S.C. 103(a) as being unpatentable over U.S. 6,767,283 to Weiss (hereinafter Weiss)

in view of U.S. 6,315,660 to DeMar et al. (hereinafter DeMar), both of record.

Regarding claims 1-28, 51-52, 55-56, and 59-60 Weiss teaches a gaming device
and method comprising the following limitations:

- A primary game operable upon a wager by a player, including at least one
  input device configured to receive an input of a wager (see at least 3:10-67);

- A plurality of locations, which includes a first location (e.g., "Easy Street" in
  the first bonus), wherein the plurality of said locations form a path (see at
  least figs. 1 and 3-5, and descriptions thereof);

- A plurality of awards associated with a plurality of said locations along the
  path (see e.g., elements 41 in fig. 4);

- At least one symbol adapted to make a plurality of moves to a plurality of the
  locations (see e.g., element 35 in fig. 4);

- At least one setback condition associated with at least one of the locations
  along the path (see e.g., elements 43 in fig. 4);

- At least one advance condition associated with at least one of said locations
  along the path (see e.g., elements 41 and 46 in fig. 4);

- A display device operable to display said symbol and the locations (e.g.,
  element 2 in figs. 2-5);

- A processor operable with the display device to control the gaming device
  and at least one memory device that stores a plurality of instructions
  executable by the processor to operate the game (e.g., processor "P" in 3:31-
  33, which is necessarily programmed to operate the device as described by
  Weiss);

- Repeating the steps of (a) causing the symbol to move to at least one location along the path toward the first location and (b) relocating the symbol to one of the locations along the path further from the first location if the symbol moves to the location associated with the setback condition, until the symbol moves to the first location (e.g., (1) repeatedly playing the bonus game, each time ultimately having a "Go Home" outcome, until the last play results in achieving an "Easy Street" game, and subsequently cashing out, or (2) playing the bonus game one or more times, each time having one or more moves, wherein the symbol never lands on a "Go Home" and ultimately ends on "Easy Street", and subsequently cashing out; see fig. 1 and descriptions thereof);

- Repeating the steps of (a) causing the symbol to move to at least one location along the path toward the first location, (b) providing a player any award associated with the location of the symbol, and (c) relocating the symbol to one of the locations along the path further from the first location of the symbol moves to the location associated with the setback condition, until the symbol moves to the first location (e.g., (1) repeatedly playing the bonus game, each time ultimately having a "Go Home" outcome, until the last play results in achieving an "Easy Street" game, and subsequently cashing out, or (2) playing the bonus game one or more times, each time having one or more moves, wherein the symbol never lands on a "Go Home" and ultimately ends

on "Easy Street", and subsequently cashing out; see fig. 1 and descriptions thereof);

- A processor operable to provide the player at least one award based on the number of different locations the symbol is moved to (see at least 4:1-28);

- A triggering event associated with said game (see at least 3:59-67), wherein after the occurrence of said triggering event: (a) the symbol is moved to at least one location along the path toward the first location (see at least 4:1-28), (b) the symbol is relocated to one of the locations along the path further from the first location if the symbol moves to the location associated with the setback condition (see at least 4:16-19), repeating steps (a) to (b) until the symbol movement terminates when the symbol is moved to the first location (e.g., (1) repeatedly playing the bonus game, each time ultimately having a "Go Home" outcome, until the last play results in achieving an "Easy Street" game, and subsequently cashing out, or (2) playing the bonus game one or more times, each time having one or more moves, wherein the symbol never lands on a "Go Home" and ultimately ends on "Easy Street", and subsequently cashing out; see fig. 1 and descriptions thereof), and the player is provided a total award based on any award associated with any of the locations the symbol is moved to and the number of locations the symbol is moved to before the symbol moves to the first location (see at least 1:65-2:14 and 4:29-58).

Regarding claims 29, 31-40, 42-50, 63-64, and 67-68, Weiss teaches a gaming
device comprising the following limitations in addition to those listed above:

- A primary game operable upon a wager by a player (see at least 3:10-67);

- A first location (see e.g., "Home" location in fig. 4);

- A second location (see e.g., "Easy Street" in fig. 4);

- A plurality of locations, wherein a designated plurality of said locations form a
  path between said first location and said second location (see at least figs. 1
  and 3-5, and descriptions thereof);

- A plurality of awards associated with a plurality of said designated locations
  along the path (see e.g., elements 41 in fig. 4);

- At least one symbol adapted to make a plurality of moves to a plurality of the
  locations (see e.g., element 35 in fig. 4);

- At least one setback condition associated with at least one designated
  location along the path (see e.g., elements 43 in fig. 4);

- At least one advance condition associated with at least one of said
  designated locations along the path (see e.g., elements 41 and 46 in fig. 4);

- A display device operable to display said symbol and the locations (see e.g.,
  element 2 in figs. 2-5);

- A processor operable with the display device to control the gaming device
  and at least one memory device that stores a plurality of instructions
  executable by the processor to operate the game (e.g., processor "P" in 3:31-

33, which is necessarily programmed to operate the device as described by
Weiss);

- Repeating the steps of (a) causing the symbol to move to different designated
locations along the path from the first location toward the second location and
(b) relocating the symbol to one of the designated locations along the path
toward the first location and further from the second location if the symbol
moves to the designated location associated with the setback condition, until
the symbol moves to one of the locations that is not between the first location
and the second location (e.g., (1) repeatedly playing the bonus game, each
time ultimately having a "Go Home" outcome, until the last play results in
achieving an "Easy Street" game, and subsequently cashing out, or (2)
playing the bonus game one or more times, each time having one or more
moves, wherein the symbol never lands on a "Go Home" and ultimately ends
on "Easy Street", and subsequently cashing out; see fig. 1 and descriptions
thereof);

- Repeating the steps of (a) causing the symbol to move to different designated
locations along the path from the first location toward the second location, (b)
providing the player any award associated with the location of the symbol, (c)
relocating the symbol to one of the designated locations along the path
toward the first location and further from the second location if the symbol
moves to the designated location associated with the setback condition, until
the symbol moves to one of the locations that is not between the first location

and the second location (e.g., (1) repeatedly playing the bonus game, each

time ultimately having a "Go Home" outcome, until the last play results in

achieving an "Easy Street" game, and subsequently cashing out, or (2)

playing the bonus game one or more times, each time having one or more

moves, wherein the symbol never lands on a "Go Home" and ultimately ends

on "Easy Street", and subsequently cashing out; see fig. 1 and descriptions

thereof);

- A processor operable to provide the player at least one award based on the
  number of designated locations the symbol is moved to before the symbol
  moves to one of the locations that is not between the first location and the
  second location (see at least 4:1-28);

- A triggering event associated with said primary game (see at least 3:59-67),
  wherein after the occurrence of said triggering event the symbol is moved
  from the first location to one of the designated locations along the path toward
  the second location (see at least 4:1-28), the symbol is relocated to one of the
  designated locations along the path toward the first location and further from
  the second location if the symbol moves to the designated location associated
  with the setback condition (see at least 4:16-19), the symbol is moved to
  another one of the locations toward the second location and further from the
  first location wherein the movement of the symbol terminates if the symbol is
  moved to one of the locations that is not between the first location and the
  second location (see at least 1:65-2:14 and 4:29-58), and the player is

provided an award based on the number of designated locations the symbol

is moved to before the symbol moves to one of the locations that is not

between the first location and the second location (see at least 4:1-28) (e.g.,

(1) repeatedly playing the bonus game, each time ultimately having a "Go

Home" outcome, until the last play results in achieving an "Easy Street"

game, and subsequently cashing out, or (2) playing the bonus game one or

more times, each time having one or more moves, wherein the symbol never

lands on a "Go Home" and ultimately ends on "Easy Street", and

subsequently cashing out; see fig. 1 and descriptions thereof).

While Weiss teaches the invention substantially as described above, Weiss lacks

in explicitly teaching the repetition *within the same play of a game* of the steps of (a)

causing the symbol to move to at least one location along the path toward the first

location (or along the path from a first to a second location) and (b) relocate the symbol

to one of the locations along the path further from the first location if the symbol moves

to the location associated with the setback condition (or relocate the symbol to one of

the locations along the path toward the first location and further from the second

location) *until the symbol moves to the first location (or a location that is not between

the first and second location)*. In a related disclosure, DeMar describes landing on a

particular setback location that causes the player's symbol to move backward one or

more spaces (see at least cols. 12-14). For example, a player may land on "Community

Chest" and receive an outcome of "Go Back One Space". The player symbol may then

land on Community Chest again, depending on the number of spaces moved, and again

experience a setback, until the player reaches a final location. This is in contrast to the

teachings of Weiss, wherein the bonus game effectively ends if the symbol lands on a

"Go Home" location. It would have been obvious to one of ordinary skill in the art at the

time of invention to modify Weiss to include the non-terminating setback condition of

DeMar in order to provide players a chance to continue playing the bonus game even

though the player's symbol has experienced a setback condition. One of ordinary skill

in the art would have recognized the benefit of allowing the player to continue playing

the bonus game even after experiencing a setback condition, in order to prevent the

player from becoming discouraged from continued wagering on the gaming device.

5.   Claims 53-54, 57-58, 61-62, 65-66, and 69-70 are rejected under 35 U.S.C.

103(a) as being unpatentable over Weiss in view of DeMar, and in further view of

Admitted Prior Art.

        The combination of Weiss and DeMar teaches the invention substantially as

described above, but lacks in disclosing operating a game method through a data

network including the Internet. In a previous Official Action, the Examiner took Official

Notice that it was notoriously well known to those of ordinary skill in the art to operate

gaming machines through a data network including the Internet in order to control

gaming devices from a remote location. Applicant has not adequately challenged the

facts for which Official Notice was taken and therefore those facts are considered

Admitted Prior Art. See MPEP 2144.03. Thus, the above-mentioned claims are

obvious in view of the teachings of Weiss and DeMar. One of ordinary skill in the art

would have been motivated to modify the combination of Weiss and DeMar in order to
allow a player to control gaming devices from a remote location.

Response to Arguments

6.   Applicant's arguments with respect to the pending claims have been considered
but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to William H. McCulloch whose telephone number is (571)
272-2818. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the
organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/W. H. M./
Examiner, Art Unit 3714
10/19/2008

/Corbett Coburn/
Primary Examiner
AU 3714